

Applicant respectfully traverses these rejections in view of the following comments.

Summary of November 2, 2009 Telephone Interview

On November 2, 2009 Applicant's undersigned counsel telephoned the Examiner to discuss the rejection of claim 1 in view of Gauthier and Schwier. In particular, Applicant's counsel discussed that neither Gauthier nor Schwier disclosed providing template attributes to memory of a printer and creating at the printer a template from the template attributes in response to received data, as claimed by Applicant. It was pointed out that Gauthier discloses storing the entire template at the printer for later use and reuse, but that Gauthier does not disclose creating a template at the printer from template attributes stored in memory in response to received print data, as acknowledged by Examiner (Office Action, page 5). It was also discussed that, since Gauthier discloses storing the entire template, Gauthier could not be read as storing template attributes, as indicated by the Examiner on page 4 of the Office Action. Since Gauthier stores the entire template, individual template attributes need not and are not stored in memory of Gauthier.

Applicant's counsel also discussed that, in Schwier, the print data is divided into variable and static data, and the static data is stored at the printer for future use. Schwier is directed towards conserving print resources, so that repetitive information (static data) need only be sent to the printer once and stored there, and any variable data is sent at the time of printing and is merged with the static data just prior to printing. It was discussed that Schwier is not directed to creating or configuring templates.

The Examiner apparently equates the static data or the variable data of Schwier with Applicant's template attributes. It was pointed out that both the variable data and the static data of Schwier comprise print data (see, e.g., Schwier at Col. 5, lines 50-54; Col. 7, lines 52-61 and Fig. 5; Col. 8, lines 1-16 and Fig. 6). In Schwier, the static data to be printed is stored at the printer, and the variable data to be printed is sent at the time of printing. In addition, it is the variable data in Schwier which contains the characteristics such as indications of position, font,

color, etc.), and this variable data is not stored at the printer, but rather sent at the time of printing.

Thus, the static data of Schwier is not equivalent to Applicant's stored template attributes as it comprises print data and not attributes of a template to be subsequently created at the printer in response to received print data. The variable data likewise is not equivalent to Applicant's claimed template attributes as it also comprises print data and this data is not stored at the printer.

It was also discussed that there is simply no discussion of templates or template attributes in Schwier.

Applicant's counsel pointed out that, with Applicant's claimed invention, there is no need to store the entire template in memory as in Gauthier. Rather, with Applicant's claimed invention, the template attributes are provided to the printer memory and the template is created at the printer only after the print data is received, just prior to printing. Such an approach enables a greater degree of flexibility than that provided by the system of Gauthier. The system of Schwier is not concerned with templates, but rather with the merging of repetitive print data stored at a printer with variable print data sent at the time of printing. Unlike Gauthier or Schwier, with Applicant's claimed invention a template is created instantaneously by the printer based on the received print data from the template attributes stored at the printer, enabling a wide variety of template forms. Such advantages are not provided for by the systems of Gauthier or Schwier.

The foregoing arguments apply equally to Applicant's independent claims 8, 20 and 27 which are apparatus claims with analogous subject matter to that discussed above.

The Examiner indicated his understanding to the arguments presented during the telephone interview, and indicated that the rejections would be further considered upon receipt of Applicant's formal written response to the Office Action.

Applicant hereby acknowledges receipt of the Examiner's Interview Summary mailed out on November 5, 2009.

It is also noted that the disclosures of Gauthier and Schwier are very different, as Gauthier disclosed storing an entire template and then merging received print data into the stored template, whereas Schwier discloses merging of print data without the use of templates, in particular the storing a portion of print data at a printer as static data and providing further variable print data to the printer to be merged with the static data, in order to conserve printer resources. Thus, it would not have been obvious to one of ordinary skill in the art to combine these disparate references as suggested by the Examiner. Neither reference discloses or suggests storing template attributes at the printer and creating the template at the printer from the stored attributes in response to received print data, as claimed by Applicant.

Applicant respectfully submits that the present invention would not have been obvious to one skilled in the art in view of Gauthier and Schwier, or any of the other prior art of record.

Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the discussion during the telephone interview and the foregoing comments. Applicant's silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 103(a) is therefore respectfully requested.

Serial No.: 10/802,351

Page 5

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicant's undersigned attorney.

Respectfully submitted,



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